

NOTICE TO BUILDERS, CONTRACTORS AND ARCHITECTS



DATE: JANUARY 2000  
TO: DESIGN PROFESSIONALS, BUILDERS, AND CONTRACTORS  
FROM: CITY OF SAN ANTONIO BUILDING INSPECTIONS DEPARTMENT,  
DISABILITY ACCESS OFFICE, AND FAIR HOUSING OFFICE  
SUBJECT: FEDERAL ACCESSIBILITY REQUIREMENTS IN MULTIFAMILY HOUSING

The City of San Antonio has begun a program to improve compliance by the building community with the federal laws which require accessibility in covered multifamily housing. The Fair Housing Act Amendment of 1988 and Section 504 of the Rehabilitation Act mandate specific accessibility features in covered new construction of multifamily housing as well as certain rehabilitation or remodeling of covered multifamily housing. **It is the responsibility of the owner-agent to comply with these federal laws.**

In order to enhance compliance, certain changes in the plan checking and construction inspection procedures of covered multifamily housing construction have been made. As part of this program, an advisory has been included on the city building permit application form notifying you that, according to federal law, the owner-agent is responsible for compliance with applicable laws. **You must indicate with your signature on your permit application that you are aware that compliance with required accessibility is your responsibility.**

The laws which will apply to your project are determined by the sources of funding which are used to build the project. To facilitate detailed compliance, the Disability Access Office of the Planning Department has compiled the attached matrix which lists the requirements for publicly funded and privately funded multifamily projects. A combination of funding sources will usually require compliance with both the Fair Housing Act Amendment of 1988 and Section 504 of the Rehabilitation Act. **Plans submitted will be checked to verify compliance with these items of the matrix. Construction will also be inspected using matrix criteria.**

**For Compliance Procedural Information/Questions contact:**

City of San Antonio Fair Housing Office: (210) 431-6150  
City of San Antonio Disability Access Office,  
Planning Department: (210) 207-7957

**For Technical or Legal Information/Questions contact:**

Fair Housing Information Clearinghouse  
PO BOX 6091; Rockville, MD 20850; 1-800-343-3442

Attachment: Fair Housing Accessibility Chart: A comparison of Federal Laws

# FAIR HOUSING ACCESSIBILITY CHART:

## A Comparison of Federal Laws

Compiled and produced by the City of San Antonio Planning  
Department Disability Access Office and The Enterprise Foundation.

City of San Antonio, Texas \*

September 2000

Ownership or Financing	No. of Units	Fair Housing Act Amendments (FHAA)  Applies to all new privately and federal government funded multi- family building of 4 or more dwelling units	SECTION 504  Applies to new and altered housing projects owned and/or funded by the Federal Government	Americans with Disabilities (ADA)	Local Code
New- privately owned	1 - 3 units	N/A	N/A	Public accommodations located in residential housing must follow the Americans with Disabilities Act Accessibility Guidelines (ADAAG)	
New- privately owned	4 + units in “Structure”	Requirements: All ground floor units and all units on floors served by elevators must comply with seven accessibility guidelines. 1. Accessible building entrance on an accessible route. 2. Accessible and usable public and common use areas. 3. Usable doors. 4. Accessible route into and through the covered unit. 5. Light switches, electrical outlets, thermostats and other environmental controls in accessible locations. 6. Reinforced walls for grab bars. 7. Usable kitchens and bathrooms. <b><i>Usable = Section 504 design specifications (Page 4)</i></b>	N/A	Public accommodations located in residential housing must follow ADAAG.	

Ownership or Financing	No. of Units	FHAA Applies to all new privately and federal government funded multi- family building of 4 or more dwelling units	SECTION 504 Applies to new and altered housing projects owned and/or funded by the Federal Government	ADA	Local Code
New privately owned	10 + units and 4 + stories	Requirements are the same as new privately owned 4 + units in “structure”	N/A	Public accommodations located in residential housing must follow (ADAAG).	
New publicly owned or financed	1 – 3 units	N/A	N/A	Title II of the ADA covers all state and local government programs, services, and newly constructed facilities, including residential housing. At this time, no design guidelines exist for residential housing within (ADAAG). In the absence of design standards within ADAAG for residential housing Uniform Federal Accessibility Standards should be consulted.	
New publicly owned or financed	4 + units in same “structure”	Requirements are the same as New privately owned 4 + units in “structure”	N/A	Requirements are the same as “New publicly owned or financed 1 – 3 units.”	
New publicly owned or financed	5 + units in project or under IAC 5 + units on same project site	Note: the FHAA is only applicable when there are 4 or more units in the same structure.	Requirements: 5% of total dwelling units or at least one unit are required to be adapted for persons with mobility impairments, and 2% or at least one unit accessible for hearing and visually impaired. (Following UFAS for technical requirements) 1. Accessible parking ( if parking is provided) 2. Accessible building entrance 3. Accessible common spaces 4. Accessible interior spaces 5. Accessible controls 6. Accessible route to and within living room, dining room,	Requirements are the same as “New- publicly owned or financed 1-3 units”	

Ownership or Financing	No. of Units	FHAA Applies to all new privately and federal government funded multi- family building of 4 or more dwelling units	SECTION 504 Applies to new and altered housing projects owned and/or funded by the federal government	ADA	Local Code
New publicly owned or financed (cont.)			bedrooms, kitchen, min. 1 bathroom, laundry, terrace, patio, balcony, garage. 7. An adaptable kitchen shall provide: <ul style="list-style-type: none"> <li>A. 40" min. clearance between counters.</li> <li>B. 30" wide section of counter top as a work surface set at variable heights between 28" to 36" above finished floor (AFF) or set at a fixed height of 34" AFF.</li> <li>C. A sink set at a variable height between 28" and 36" AFF or set at a fixed height of 34" AFF.</li> <li>D. If base cabinets are provided under sink, they shall be removable.</li> <li>E. Wall cabinet lower shelves at 48" AFF.</li> <li>F. Front controls on stove.</li> <li>G. A vertical side by side refrigerator/freezer.</li> </ul>		

Ownership or Financing	No. of Units	FHAA Applies to all new privately and federal government funded multi- family building of 4 or more dwelling units	SECTION 504 Applies to new and altered housing projects owned and/or funded by the federal government	ADA	Local Code
			<p>8. An adaptable bathroom shall provide:</p> <ul style="list-style-type: none"> <li>A. Min. clear floor space of 48" x 56" at water closet.</li> <li>B. Min. clear floor space of 30" x 48" at lavatory.</li> <li>C. Lavatory shall be set at 29" AFF</li> <li>D. Base cabinets shall be removable.</li> <li>E. Min. clear floor space of 30" x 60" at bathtubs.</li> <li>F. Reinforcement at designated areas for later installation of grab bars.</li> <li>G. Seat in tub.</li> <li>H. Hand-held shower.</li> </ul> <p>Accessible units shall be distributed throughout projects and sites and shall be available in a verity of sizes and amenities.</p>		

Ownership or Financing	No. of Units	FHAA Applies to all new privately and federal government funded multi-family building of 4 or more dwelling units	SECTION 504 Applies to new and altered housing projects owned and/or funded by the federal government	ADA	Local Code
Alterations privately financed	ALL	N/A	N/A	Public accommodations located in residential housing must follow ADAAG.	
Alterations publicly financed	15 + units 75% of replacement cost	N/A	If substantial alterations are undertaken to a project that has 15 or more units and the cost of the alteration is 75 percent or more of the replacement cost of the completed facility, then follow the new construction provisions of Section 504 as noted above.	Requirements are the same as “New- publicly owned or financed.”	
Alterations publicly financed	Less than 75% of replacement cost in properties of 5 or more units	N/A	If other alterations are undertaken that do not reach the substantial alterations rule, the altered dwelling units shall be made accessible to the maximum extent feasible. If alterations of single elements or space or spaces of a dwelling unit, when considered together amount to an alteration of a dwelling unit, the entire dwelling unit must be made accessible.	Requirements are the same as “New- publicly owned or financed.”	
Alterations publicly financed	0 - 15% re- production cost and 5 + units on site and more than \$100,000.	N/A	Requirements are the same as “Alterations-publicly financed, less than 75% of replacement cost in properties of 5 or more units.”	Requirements are the same as “New publicly owned or financed.”	
Alterations publicly financed	15-50% re- production cost and 5+ units on site and more than \$100,000	N/A	Requirements are the same as “Alterations-publicly financed, less than 75% of replacement cost in properties of 5 or more units”	Requirements are the same as “New- publicly owned or financed”	

Ownership or Financing	No. of Units	FHAA Applies to all new privately and federal government funded multi- family building of 4 or more dwelling units	SECTION 504 Applies to new and altered housing projects owned and/or funded by the federal government	ADA	Local Code
Alterations publicly financed	50% repro- duction cost 5 + units on one site	N/A	Requirements are the same as “Alterations-publicly financed, less than 75% of replacement cost in properties of 5 or more units.	Requirements are the same as “New- publicly owned or financed.”	

NOTE: The Fair Housing Accessibility Chart provides an overview of accessibility requirements for housing based on funding source. The information provided is not inclusive of all requirements, therefore, it is recommended to refer to applicable accessibility laws and codes for further guidance.

\*Adapted by the Disability Access Office, Department of Planning; City of San Antonio from original document prepared by The Mayor’s Office for People with Disabilities Architectural Services Unit, City of Chicago, Illinois; January, 1999.

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### **Definitions**

**“Accessibility”** means the ability of all building spaces, such as but not limited to, living rooms, dining rooms, kitchens, bedrooms, etc. and elements, such as but not limited to, kitchen counters, sinks, and grab bars to be fully accessible without any structural changes so as to accommodate the needs of persons with or without disabilities, or to accommodate the needs of persons with different types or degrees of disability.

**“Accessible Dwelling Unit”** means a dwelling unit constructed and equipped with accessible building spaces and elements for use by persons with different types and degrees of environmental limitations.

**“Adaptability”** means the ability of certain building spaces and elements, such as kitchen counters, sinks, and grab bars, to be added, raised, lowered, or otherwise altered with minimal structural changes so as to accommodate the needs of persons with or without disabilities, or to accommodate the needs of persons with different types or degrees of disability.

**“Adaptable Dwelling Unit”** means a dwelling unit constructed and equipped so it can be converted with minimal structural change for use by persons with different types and degrees of environmental limitation.

**“Multi-family Housing Project subject to Section 504”** means a project containing five or more dwelling units.

**“Covered Multi-family Housing Units”** or **“Covered Multi-family Dwelling subject to the Fair Housing Act”** means buildings consisting of four or more dwelling units if such buildings have one or more elevators; and only ground floor units in other buildings consisting of four or more dwelling units. Dwelling units within a single structure separated by firewalls do not constitute separate buildings.

**“Universal Design Concept”** addresses the needs to include the maximum number of people possible, with and without disabilities in everyday activities within and around a dwelling unit.